



General Assembly

February Session, 2004

Substitute Bill No. 5389

* _____ HB05389HS_FIN031604 _____ *

**AN ACT CONCERNING CLAIMS OF THE STATE FOR REPAYMENT
OF AID PROVIDED TO BENEFICIARIES OF SOCIAL SERVICES
PROGRAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-94 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 (a) In the case of causes of action of beneficiaries of aid under the
4 state supplement program, medical assistance program, aid to families
5 with dependent children program, temporary family assistance
6 program or state-administered general assistance program, subject to
7 subsections (b) and (c) of section 17b-93, or of a parent of a beneficiary
8 of the aid to families with dependent children program, the temporary
9 family assistance program or the state-administered general assistance
10 program, the claim of the state shall be a lien against the proceeds
11 [therefrom in] of such causes of actions for repayment under section
12 17b-93. The state's lien shall be the lesser of the amount of the
13 assistance paid or [fifty] (1) if the amount of the proceeds is less than
14 four thousand dollars, thirty-five per cent of the proceeds received by
15 such beneficiary or such parent after payment of all expenses
16 connected with the cause of action, [whichever is less, for repayment
17 under said section 17b-93, and] (2) if the amount of the proceeds is four
18 thousand dollars or more but less than ten thousand dollars, forty-five
19 per cent of the proceeds received by such beneficiary or such parent

20 after payment of all expenses connected with the cause of action, or (3)
21 if the amount of the proceeds is ten thousand dollars or more, fifty-five
22 per cent of the proceeds received by such beneficiary or such parent
23 after payment of all expenses connected with the cause of action. The
24 state's claim for repayment under section 17b-93 shall have priority
25 over all other claims except attorney's fees for said causes, expenses of
26 suit, costs of hospitalization connected with the cause of action by
27 whomever paid over and above hospital insurance or other such
28 benefits, and, for such period of hospitalization as was not paid for by
29 the state, physicians' fees for services during any such period as are
30 connected with the cause of action over and above medical insurance
31 or other such benefits; and such claim shall consist of the total
32 assistance repayment for which claim may be made under said
33 programs. The proceeds of such causes of action shall be assignable to
34 the state for payment of the amount due under [said] section 17b-93,
35 irrespective of any other provision of law. Upon presentation to the
36 attorney for the beneficiary of an assignment of such proceeds
37 executed by the beneficiary or his conservator or guardian, such
38 assignment shall constitute an irrevocable direction to the attorney to
39 pay the Commissioner of Administrative Services in accordance with
40 its terms, except if, after settlement of the cause of action or judgment
41 thereon, the Commissioner of Administrative Services does not inform
42 the attorney for the beneficiary of the amount of lien which is to be
43 paid to the Commissioner of Administrative Services within forty-five
44 days of receipt of the written request of such attorney for such
45 information, such attorney may distribute such proceeds to such
46 beneficiary and shall not be liable for any loss the state may sustain
47 thereby.

48 (b) In the case of an inheritance of an estate by a beneficiary of aid
49 under the state supplement program, medical assistance program, aid
50 to families with dependent children program, temporary family
51 assistance program or state-administered general assistance program,
52 subject to subsections (b) and (c) of section 17b-93, [fifty] the claim of
53 the state shall be a lien against the assets of the estate payable to the

54 beneficiary for repayment under section 17b-93. The state's lien shall
 55 be the lesser of the amount of assistance paid or (1) for assets with
 56 value of less than ten thousand dollars, thirty per cent of the assets of
 57 the estate payable to the beneficiary, [or the amount of such assets
 58 equal to the amount of assistance paid, whichever is less, shall be
 59 assignable to the state for payment of the amount due under said
 60 section 17b-93] (2) for assets with value of ten thousand dollars or
 61 more but less than fifteen thousand dollars, fifty per cent of the assets
 62 payable to the beneficiary, or (3) for assets with value of fifteen
 63 thousand dollars or more, fifty-five per cent of the assets payable to the
 64 beneficiary. The Court of Probate shall accept any such assignment
 65 executed by the beneficiary and filed by the Commissioner of
 66 Administrative Services with the court prior to the distribution of such
 67 inheritance, and to the extent of such inheritance not already
 68 distributed, the court shall order distribution in accordance therewith.
 69 If the Commissioner of Administrative Services receives any assets of
 70 an estate pursuant to any such assignment, the commissioner shall be
 71 subject to the same duties and liabilities concerning such assigned
 72 assets as the beneficiary.

This act shall take effect as follows:	
Section 1	July 1, 2004

HS

Joint Favorable Subst. C/R

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